

2016 SEP 23 PM 5: 23

September 23, 2016

CELA: (213) 452-6550

VIA U.S. MAIL AND E-MAIL

Jeff S. Jordan
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: **FEC MUR 7121**
Our File No.: BER6528.001

Dear Mr. Jordan:

We are writing as counsel to Babulal Bera ("Bera") in response to the complaint filed by Foundation for Accountability & Civic Trust on August 8, 2016 ("the "Complaint"), in MUR 7121.

Introduction

The Complaint was filed against Michael Eggman, Eggman for Congress and Jay Petterson, alleging violations of, among other provisions, 52 U.S. C. Section 30122 and 11 C.F.R. Section 110.4. Mr. Bera is the father of Congressman Ami Bera. He is not named in the Complaint as a respondent, but the Complaint contains unsubstantiated allegations that Eggman for Congress contributed to Bera for Congress (Ami Bera's principal campaign committee), with knowledge that the contribution would be reimbursed by Mr. Bera. The Complaint is purely speculative and does not provide any factual or legal basis for asserting a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") or Commission regulations. Consequently, there is no reason to believe that Mr. Bera may have violated any provision of the Act, and the Commission should close its file on this matter with respect to Mr. Bera.

Analysis

On or about June 26, 2013, Mr. Bera made a \$1,000 contribution to Eggman for Congress 2014. The Complaint brazenly alleges that Mr. Bera made the contribution to "reimburse" Eggman for Congress for a contribution that it made to Congressman Bera's campaign. However, the complainant does not provide any factual support for this baseless allegation. Thus, absent some additional evidence, the Complaint as to Mr. Bera is purely speculative and without merit.

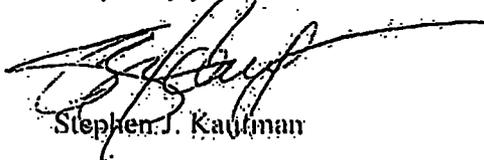
Moreover, the complainant invokes Section 30122 of the Federal Election Campaign Act to allege violations of the contribution limits set forth in the Act. That section states, in part, "No person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution..." (See 52 U.S.C. § 30122; see also 11 C.F.R. § 110.4(b)(1)(i) and (ii)). Mr. Bera contributed to Eggman for Congress under his own name, using his own personal funds. The contribution was properly disclosed by Eggman for Congress on Schedule A of the Committee's July 15 Quarterly Report (1/1/13-6/30/13). Thus, there is no basis for alleging that Mr. Bera made a contribution in the name of another person, or knowingly permitted his name to be used to effect a contribution by any other person.

Finally, Mr. Bera pled guilty in an unrelated criminal matter to advancing funds to family members to support his son's campaigns. The Complaint in this matter involves totally different facts, and seeks to exploit that plea agreement to support the unfounded assertion that Mr. Bera reimbursed the Eggman for Congress committee for its contribution to Bera for Congress. There is simply no connection between the two events, and complainant has not provided a shred of evidence to suggest otherwise. Therefore, the Commission should reject speculative legal conclusions that are drawn from the different facts and circumstances at issue in that other matter.¹

Conclusion

For the reasons described herein, the Complaint does not contain any facts or legal basis for asserting a possible violation of the Act by Mr. Bera. Therefore, we respectfully request that the Commission dismiss this matter with respect to Mr. Bera, and take no further action against him.

Very truly yours,



Stephen J. Kaufman

cc: Donna Rawls (via U.S. Mail and E-mail)

SJK:sjs

¹ See MUR 4960 (Hillary Rodham Clinton), Statement of Reasons of Commissioners David M.Mason, Karl J. Sandstrom, Bradley A. Smith, and Scott E. Thomas at 2.

17044417009